

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

HAROLD BLACH,

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Plaintiff,

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ROBERT FREY, REGENCY REALTY,  
LLC, and ROBERT FREY, TRUSTEE,

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Third Party Claimants,

\*

vs.

CASE NO. 4:15-MC-5 (CDL)

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AFLAC, INC.,

\*

Garnishee,

\*

SAL DIAZ-VERSON,

\*

Defendant.

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O R D E R

Presently pending before the Court is the Motion for Disbursement of Third Party Claimant Robert Frey as Trustee of the Robert J. Frey Living Trust (ECF Nos. 340 & 351). Also pending before the Court is the Motion for Disbursement of Plaintiff Harold Blach (ECF No. 345). Both motions are granted to the extent set forth below.

The Court previously concluded that Frey as Trustee holds a valid judgment against Frey's former client, Defendant Sal-Diaz Verson. Order Granting Mots. for Disbursement (Mar. 14, 2018), ECF No. 321. The Court also concluded that Frey's judgment is superior to that of Plaintiff Harold Blach, another Diaz-Verson

judgment creditor. The outstanding principal balance of Frey's judgment is now \$14,813.21.<sup>1</sup>

Blach filed a garnishment against Diaz-Verson's former employer, Garnishee AFLAC, Inc., on March 14, 2018 (ECF No. 319). In response to that garnishment, AFLAC deposited \$16,307.76 into the Court's registry. Frey as Trustee made a third party claim to the entire \$16,307.76 of garnished funds and filed a motion for disbursement of the funds. Blach objects to the disbursement to the extent it seeks more than the amount of the outstanding balance of Frey's judgment. Frey amended his motion for disbursement and now only seeks disbursement of principal in the amount of \$14,813.21 plus \$3.29 in interest per day until payment is received, which Frey estimates will be about twenty-six days. Based on the Court's review of the timeline for past disbursements in this action, the Court concurs with this estimate, and Frey's motion for disbursement (ECF Nos. 340 & 351) is granted. Blach filed a motion for disbursement of any funds remaining in the Court's registry

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<sup>1</sup> The Court calculated Frey's outstanding principal balance as \$33,663.37 as of April 27, 2018. Order Granting Mot. for Disbursement (Apr. 27, 2018), ECF No. 340. Frey contends that the outstanding principal balance as of April 27, 2018 was actually \$34,595.51 because he did not receive the April 2, 2018 disbursement checks until April 24, 2018. The Court accepts this argument and finds that the outstanding principal balance as of April 27, 2018 was \$34,595.51. On May 18, 2018, the Clerk mailed Frey a check in accordance with the Court's April 27, 2018 Order of Disbursement. Frey received the check for \$20,005.25 on May 23, 2018. The outstanding principal balance of his judgment is now \$14,813.21.

following the final disbursement to Frey. That motion (ECF No. 345) is granted.

The Clerk is instructed to enter judgment in favor of Third Party Claimant Robert Frey as Trustee of the Robert J. Frey Living Trust with regard to \$14,905.38 of the March 14, 2018 garnishment. The Clerk is further instructed to enter judgment in favor of Plaintiff Harold Blach with regard to the remaining \$1,402.38 of the March 14, 2018 garnishment. Fourteen days from the date of today's Order, the Clerk shall disburse \$14,905.38 to Frey as Trustee and \$1,402.38 (plus any interest earned on that amount while the funds were in the Court's registry) to Blach, unless any party files a notice of appeal relating to today's rulings before that date. Any party seeking a stay pending an appeal of today's rulings shall file a motion with citation to applicable authority with the notice of appeal.

IT IS SO ORDERED, this 25th day of May, 2018.

S/Clay D. Land  

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CLAY D. LAND  
CHIEF U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA